

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 18-MJ- 175

JAMES TIMPANARO

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about October 27, 2018, in the Western District of New York, and elsewhere, the defendant JAMES TIMPANARO, did knowingly engage in conduct with the intent to convey false or misleading information under circumstances where such information may reasonably be believed, and where such information indicated that an activity has taken, is taking, or will take place that would constitute a violation of Title 18 United States Code, Section 844(f)(1), that is attempt to damage or destroy, by means of a fire or an explosive, any building or real property owned, possessed or leased to the United States.

All in violation of Title 18, United States Code, Section 1038(a)(1)(A)

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

KRYSTIE BROWN
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Sworn to before me and signed in my presence.

Date: November 2, 2018

Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

KRYSTIE BROWN, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, having been duly sworn, states as follows:

1. I am a Special Agent of the Federal Bureau of Investigation and entered on duty in March 2017. I am currently assigned to the Buffalo Field Office, Joint Terrorism Task Force (JTTF) and work on cases associated with domestic and international terrorism. I have participated in various FBI mandated and volunteer training for the investigation and enforcement of federal laws on domestic and international terrorism. With the FBI, my responsibilities include investigating potential criminal violations of federal law. This includes investigating suspected violations of Title 18, United States Code, Section 844(f)(1) of Chapter 40 (attempt to damage or destroy, by means of a fire or an explosive, any building or real property owned, possessed or leased to the United States). As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute search and seizure warrants issued under the authority of the United States. I have participated in numerous investigations of criminal activity.

2. This affidavit is being submitted in support of an application for an arrest and criminal complaint for **JAMES TIMPANARO** (hereinafter "**TIMPANARO**"), who there is

probable cause to believe knowingly violated Title 18 United States Code Section 1038, by engaging in conduct with the intent to convey false or misleading information under circumstances where such information may reasonably be believed, and where such information indicated that an activity has taken, is taking, or will take place that would constitute a violation of Title 18 United States Code, Section 844(f)(1) of Chapter 40 (attempt to damage or destroy, by means of a fire or an explosive, any building or real property owned, possessed or leased to the United States).

Background

3. On or about, October 26, 2018, two apparent explosive devices was recovered at, or near the front door of a Buffalo Police Department station house, located at 1847 South Park Avenue, Buffalo, NY. These devices had all the features of a homemade bomb, with protruding wires wrapped around a pipe-like instrument. These devices was safely secured by the Erie County Sheriff's Department's, A.T.F, and the Federal Bureau of Investigation' bomb squad. However, the devices were later determined to be "clear of hazard." (a non-hazardous devices). The Buffalo Police Department surveillance camera captured an individual believed to be **TIMPANARO**, tossing an object, resembling the devices found, toward the front door on October 26, 2018 at approximately **3:27 am**. The video shows the suspect walking south on South Park Avenue, in the direction of Richfield Ave. The individual in the video was wearing a camouflage jacket.

4. Thereafter, on or about, October 27, 2018, another apparent explosive device was recovered at the United States Postal Service, located at 2061 South Park Ave, Buffalo, NY, a building owned, leased, or possessed by the United States. Local surveillance video

identified the device placed near the front door steps by an individual believed to be **TIMPANARO**, at approximately **4:48 am**. This device had all the features of a homemade bomb, with protruding wires wrapped around a pipe-like instrument, with screws and nails. The device was safely secured by the Erie County Sheriff's Department's, A.T.F, and the Federal Bureau of Investigation' bomb squad. However, the device was later determined to be "clear of hazard." (non-hazardous device). This device was similar to the device recovered at the Buffalo Police stationhouse, however, this device was also wrapped in white paper. Inside this white paper/wrapping were the words, "RESIST COMMUNISM, THE POLICE STATE AND THE DEMOCRATIC PARTY," written in black ink.

5. The video shows the movements of an individual believed to be **TIMPANARO**, prior to the placement of the device and after. For instance, the video surveillance shows the individual believed to be **TIMPANARO** approach to the Postal Service building, walking south on South Park Avenue, from Richfield Ave, continuing south passed the Library to the post office, and stopping at the steps. The suspect then departs the Postal Service Building property walking north on South Park Avenue towards Richfield Ave.

6. On or about, October 28, 2018, an additional explosive device was recovered at the Buffalo Police Department, located at 1847 South Park Avenue, Buffalo, NY. This device had all the features of a homemade bomb, with protruding wires wrapped around a pipe-like instrument. The device was safely secured by the bomb squad. However, the device was later determined to be "clear of hazard." (non-hazardous device). This device

was recovered in the back of the police station, and as a result, no video-surveillance is available at this time. This device closely resembled the previous two devices found.

7. On November 01, 2018, a Buffalo Police Department Detective showed the surveillance videos from both the October 26, 2018 incident and the October 27, 2018 incident to a volunteer (hereinafter Witness 1) at the South Buffalo Food Pantry. Witness 1 recognized the individual's walk and mannerisms and identified the individual as one of Witness 1's neighbors at Witness 1's previous address on RICHFIELD AVE. Witness 1 was familiar with **TIMPANARO'S** residence, and described the house on RICHFIELD AVE as follows: small house, set back, located on the left side of RICHFIELD AVE coming from South Park Ave, an even number.

8. After describing **TIMPANARO's** house to the detective, the detective identified the residence as **46 RICHFIELD AVE**. The detective then showed Witness 1 a photo of **TIMPANARO** from the Buffalo Police Department database. Witness 1 identified the man in the photo as **TIMPANARO**, Witness 1's previous neighbor who Witness 1 identified as being in the surveillance video. It should be noted that Witness 1 was very familiar with **TIMPANARO** and identified him on the video through his physical build, walk, and mannerisms.

9. On November 01, 2018, another neighbor (hereinafter Witness 2) who lives in the vicinity of **46 RICHFIELD AVE**, and who was very familiar with **TIMPANARO**, was shown the surveillance videos from both the October 26, 2018 incident and the October 27,

2018 incident. Witness 2 identified the individual in the videos as **JAMES TIMPANARO**. Witness 2 has lived on **RICHFIELD AVE** for years, knows **TIMPANARO** personally, and is very familiar with **TIMPANARO's** physical build, walk, and mannerisms. Further, Witness 2 stated that **TIMPANARO** often wears a camouflage jacket, matching the camouflage jacket seen in the Buffalo Police Department surveillance video from October 26, 2018.

10. Furthermore, Witness 2 has a working surveillance camera mounted on his/her front porch. The surveillance camera records the front porch and the sidewalk in front of Witness 2's residence on **RICHFIELD AVE**. On October 26, 2018, an individual believed to be **TIMPANARO** was recorded walking past Witness 2's residence toward **46 RICHFIELD AVE**, at approximately **3:32 am**. This is five minutes after the individual believed to be **TIMPANARO** was captured on video placing an object resembling the device later found at the front door of the Buffalo Police Department. **46 RICHFIELD AVE** is within a five minute walking distance from the Buffalo Police Department located at 1857 South Park Avenue.

11. At approximately **4:51 am** on October 27, 2018, the 7-11 security camera located at 1971 South Park Ave captured video of an individual believed to be **TIMPANARO** walking north on South Park Ave away from the U.S. Postal Service toward **RICHFIELD AVE**. The individual in the video was wearing light colored pants, light colored shoes, a waist length jacket and a cowboy hat.

12. On October 27, 2018, video recorded by the security camera located on Witness 2's front porch captured an individual believed to be **TIMPANARO** walking past Witness 2's residence toward **46 RICHFIELD AVE**, at approximately **4:53 am**. This is five minutes after the individual believed to be **TIMPANARO** was captured on video placing an object at the United States Postal Service, located at 2061 South Park Ave. **46 RICHFIELD AVE** is within a five minute walking distance from the United States Postal Service. The individual in the video was wearing light colored pants, light colored shoes, a waist length jacket and a cowboy hat.

13. Both Witness 1 and Witness 2 said that **TIMPANARO** has a history and reputation for vandalizing properties and being very politically outspoken and motivated. Witness 2 said that **TIMPANARO** once posted a sign in his yard that said, "I was gang raped by Cuomo." **TIMPANARO** also has a criminal history involving the U.S. Postal System. Specifically, on January 4, 2017, the defendant mailed, though the United States Postal Service, a threatening material to another person. According to the person, the mailed material he received made him fearful and alarmed for his safety. According to Buffalo Police records, the defendant was arrested on March 19, 2017 for Aggravated Harassment 2nd, in violation of New York State Penal Law Code, Section 240.30-1, a class A misdemeanor. According to a criminal history check, on February 13, 2018, the defendant pleaded guilty as charged, and was sentence to a term of imprisonment of 6 months.

14. Further, **TIMPANARO's** connection to **46 RICHFIELD AVE.**, as indicated by Witness 1 and Witness 2 has been corroborated by independent investigation. For instance, on November 2, 2018, a postal check was made through the United States Postal

Service. The U. S. Postal Service indicated that **JAMES TIMPANARO** receives mail at **46 RICHFIELD AVE, BUFFALO, NY 14220**. Further, on November 2, 2018, while conducting surveillance, law enforcement officers observed **TIMPANARO** enter into **46 RICHFIELD AVE..**

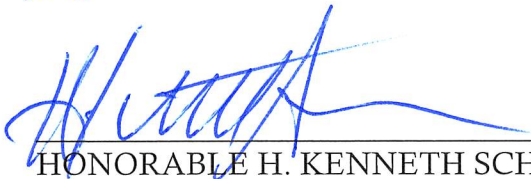
15. For the reasons set out in this affidavit, there is probable cause to believe that **JAMES TIMPANARO** committed a violation of Title 18 United States Code, Section 1038 (False Information and Hoaxes), relating to a violation of Title 18 United States Code, Section 844(f)(1) of Chapter 40 (attempt to damage or destroy, by means of a fire or an explosive, any building or real property owned, possessed or leased to the United States).



KRYSTIE BROWN
Special Agent
Federal Bureau of Investigation

Sworn to before me this

24th day of November, 2018.



HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE